



A MONTHLY ELECTRONIC NEWSLETTER TO THE 41st ASSEMBLY DISTRICT
 (Including Agoura Hills, Calabasas, Encino, Malibu, Hidden Hills, Lake Sherwood, Oak Park, Pacific Palisades, Port Hueneme, South Oxnard, Santa Monica, Tarzana, Topanga, Westlake Village, and Woodland Hills.)

SEPTEMBER 2004 ISSUE

September 22 – First Day of Autumn



Halaco Engineering in Oxnard Plans to Close

I wanted to start with some good news, which has been in short supply with respect to this company. Halaco is a metal recycling company located on the water's edge at Ormond Beach in Oxnard. Earlier newsletters have reported on the decades of pollution and frustrating enforcement efforts directed at their contaminated air emissions and at the water pollution caused by runoff from their 40-foot-high waste pile of slag and the toxic settling pond at the center of the waste pile. Most recently, the Ventura County District Attorney's office has filed both civil and criminal complaints against Halaco, along with other related lawsuits by environmental groups. The cumulative pressure appears now to have pushed Halaco into shutting down their operation entirely. Although this is the good news, since they are already operating under the protection of the U.S. Bankruptcy Court, there are a great many unknowns as to what closure means long term, including what happens if Halaco effectively abandons the site and just walks away.

There will be very difficult decisions ahead regarding this 40-acre site and possible contamination under the waste pile itself and elsewhere. I have been working with the Regional Water Quality Control Board, the County of Ventura and other agencies and local officials ever since my district was redrawn to include Halaco. I will stay close to this issue, and to provide updates in future newsletters as information becomes available.

BHP Billiton LNG Update

BHP Billiton is an Australian company that hopes to build a floating platform roughly 20 miles off Oxnard and 14 miles off Malibu to receive liquid natural gas (LNG) from tanker ships. The LNG would then be transported by a pipeline on the sea floor where it would come on-shore and connect to an existing Southern California Gas Company pipeline at the Reliant Energy plant. Their application is currently in the environmental review stage.

Status / Process

BHP Billiton representatives provided my office with the following timeline/process information:

- The draft environmental impact report/statement (EIR/EIS) is nearing completion, with the Coast Guard and State Lands Commission as the lead agencies. (This is a joint Federal and State application.)
- There will be a 45-day period after release in order to receive public comments. Release date is estimated for the beginning of November so that the 45-day period ends in mid-December before the distractions of the holidays.
- Three public hearings on the draft will be scheduled in Malibu, Oxnard, and Santa Clarita (where the pipeline continues to run). I will publish the dates and locations as soon as they are available.

If the EIR/EIS should be certified, then permits would be sought from the State Lands Commission for the land lease needed to bring the pipeline on-shore.

Other Actions Required

Governor Schwarzenegger has the authority to take four actions: 1) approve the application; 2) approve it with conditions; 3) do nothing (effectively an approval); or 4) veto it. BHP plans to have the Governor make his decision as early as possible.

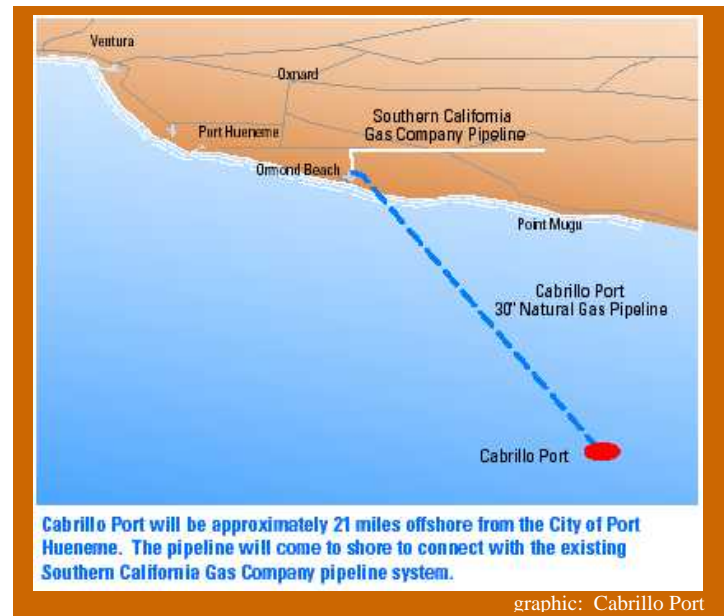
Other agencies that need to give approvals include the Ventura County Air Pollution Control District to deal with air emissions from tug boats, idling diesel trucks, etc. that are ancillary to the operation. Also, the California Coastal Commission would have to make a finding on consistency with the California Coastal Act.

BHP states that they hope to have all approvals and permits in hand by May of 2005. If so, they would proceed to build the offshore facility, and could be delivering LNG in 2009.

I have heard from a great many residents, groups, and elected and other officials in my district, expressing many concerns about this project. As a part of the scoping meetings in March in connection with starting the draft EIR/EIS, I sent a comment letter to the U.S. Department of Transportation setting forth 14 specific comments and concerns that I felt must be considered as a part of the environmental review. (A copy of that letter is available on request. Call my District Office.)

An EIR/EIS required by the California Environmental Quality Act must identify all impacts of the project, state how they can and will be mitigated, and disclose impacts that cannot be mitigated. This should be a very informative document.

I understand that both the Coast Guard and State Lands Commission will be providing detailed information on the BHP Billiton application on their websites as it becomes available, and I will keep you as informed as possible via this newsletter throughout the process. Other LNG applications along the coast include a Mitsubishi facility in Long Beach, and Crystal Energy near Oxnard and Ventura.



Pavley Bills Sent to Governor

This has been a very productive year for me legislatively.

Several of my bills have been signed into law by the Governor:

AB 1369 – Ban on Mercury Thermostats. Would prohibit the sale and distribution of mercury-containing residential and commercial thermostats by January 2006. Implementation of this bill would gradually eliminate a significant source of mercury that threatens to escape into the environment any time a home or commercial establishment catches fire or is demolished, or a thermostat is removed from those buildings and deposited in a landfill.

AB 1801 – Guide Dogs. Increases penalties for any person who attacks, or allows their dog to attack, a guide, signal or service dog, and expands the restitution the court can award. Received bi-partisan support in the legislature.

AB 2784 – Transportation. Sponsored by the Ventura County Transportation Commission, it expands the commission so that all of the members of the Ventura County Board of Supervisors and each city in Ventura County have appointed seats on the Commission.

AB 2962 – Homeowner insurance loss protection. In the case of a homeowner experiencing a total loss, this bill requires insurers to adjust premiums or coverage to reflect the changed exposure to risk upon a renewal of a policy. Furthermore, it prohibits insurers from canceling a policy during the course of rebuilding. In the event of a state or federally declared disaster area, insurers would be required to offer, at least once, to renew the policy of homeowners that have experienced a total loss.

AB 3016 – Social Security Numbers. This bill deletes an exception in existing law that allows a person or business to use a consumer's social security number (SSN) as an identification or account number when the SSN has been in continuous use since July of 2002. This bill becomes effective on July 1, 2006.

Others are still on the Governor's desk, awaiting action.

Personal letters have a big impact, so if you'd like to send the Governor a message of support asking him to sign any of these bills, please contact him ASAP:

The Honorable Arnold Schwarzenegger, Governor

State of California

State Capitol

Sacramento, CA 95814

You can also fax to: (916) 445-4633, or E-mail at: governor@governor.ca.gov

AB 923 – Funding for clean air programs. Would authorize local air districts to increase annual registration fees by up to \$2.00 if needed, and would increase the fee on tires from \$1.00 to \$1.75 for four programs that have proven cost-effective benefits for reducing air emissions, including replacing or retrofitting diesel engines, and the motor vehicle "scrappage" program to get gross polluters off the road.

AB 1009 – Foreign truck air emissions. Requires all commercial trucks over 10,000 pounds operating in California, including trucks from Mexico, to meet federal air emissions standards. Introduced in response to a Supreme Court decision that will allow the Mexican trucks to operate in the United States even though many do not currently meet U.S. air emissions standards.

AB 1010 – Electronic textbooks. Would require publishers to make textbooks available to K-12 schools in an electronic format, effective 2007, so educators will have more options to enhance their instructional programs. The bill also requires publishers to make electronic versions of textbooks available in a universal format, effective 2008, so disabled K-12 students can successfully access all electronic materials on their computer equipment.

AB 1960 – Pharmacy "middlemen." Helps employers negotiate for better benefits contracts by increasing the pricing disclosure they receive from middlemen known as pharmacy benefits managers (PBMs). It also increases the amount of information doctors receive from PBMs so that they can ensure that drug selection is based on what's medically necessary for the patient instead of what's in the financial best interest of the PBM and drug company.

AB 2628 – Hybrids in HOV lanes. Would allow drivers of 75,000 hybrid vehicles, that get 45 miles per gallon and achieve a clean air standard, to drive in carpool lanes without any passengers. This bill cannot be implemented until the federal government passes legislation to allow states to let single-occupant hybrid vehicles use carpool lanes. It would sunset in 2008. Sponsored by Governor Schwarzenegger and Treasurer Phil Angelides.

AB 2713 – Whistleblower protection. Allows government attorneys to report improper governmental activity, knowing that their jobs and bar licenses will be protected. At the same time, the bill protects against improper disclosure of client confidences. Whistleblower protections for state employees have been on the books for over two decades, but do not apply to government attorneys. This bill protects government attorneys who choose to come forward, and protects the public's right to know when government officials engage in egregious misconduct.

AB 2901 – Cell phone recycling. Would require, effective July 1, 2006, that cell phone retailers take back obsolete cell phones at no cost to the consumer, and provide for recycling, reuse, or proper disposal of the phones. Most cell phones have an average life span of only 18 months causing millions to end up in California landfills every year where their hazardous contents can leak out and contaminate soil and groundwater.

AB 2943 – Mercury in vaccines. Would prohibit, by January 2006, the injection of any pregnant woman, or child under three years of age, with a vaccine that contains more than trace levels of mercury. Mercury is a neurotoxin and is known to cause brain damage in fetuses and young children. The bill allows mercury to be used in the event of a public health emergency, bio-terrorist threat, or supply shortage.

Additional bills relating to property tax postponements and retired teachers return to classrooms, plus some clean-up legislation on my environmental education bill from last year, are also on the Governor's desk. My bill to foster remedial instruction in writing or math for high school seniors who plan to attend a California State University was incorporated in this year's budget process.

Anti-Defamation League Breakfast

I attended a very interesting breakfast meeting of the Anti-Defamation League earlier this month as one of four legislators reporting on the "State of the State." Two issues of importance to the ADL had been brought to my attention in connection with that event.

1. SB 1234 (Kuehl), which was signed into law yesterday, is clean-up legislation that will provide consistency and clarity in the enforcement of hate crimes and violations of civil rights. I was pleased to send the Governor a letter urging him to sign the bill.
2. The second matter is the proposed elimination in the Governor's "California Performance Review" of the Taskforce on the Holocaust, Genocide, Human Rights, Tolerance, and Education. Although the proposal is to transfer its responsibilities to the Governor's Office of Community Affairs, hate crimes are among the ugliest blight on our society. I believe that the symbolism of retaining this Taskforce as a separate entity to continue its important work sends its own message that fighting bigotry, hate and intolerance is of critical importance in our state and elsewhere, I encouraged the Governor in the same letter to protect the Taskforce from cuts.



State Offers Low-Cost Auto Insurance

All California drivers are required by law to have auto insurance. Nevertheless, many people drive uninsured because they cannot afford private insurance. DMV figures as of 2000, their most recent data, found that 1.4 million drivers in L.A. County – nearly 1 in 4 – were uninsured. Fines can run up to \$500, plus penalties, impounding of the vehicle, and suspension of a driver's license. There is a state program to help lower-income drivers.

Who qualifies?

- You must be a resident of Los Angeles or San Francisco county
- Continuously licensed for three years
- At least age 19, and with a good driving record
- Able to meet low-income requirements: \$23,275 annual income for an individual; \$47,125 household income for a family of four.

What does it cost?

As little as \$347/year for L.A. County residents.

For more information on this program, call toll-free at 1-800-622-0954. Or you can go to the Department of Insurance website at www.insurance.ca.gov, and search "low cost auto insurance." This is a pilot program that is not yet available in other counties in the state.

Workers' Comp System Far from "Fixed"

Although the Legislature has passed two sets of reforms intended to help provide relief to businesses, nonprofits, and other employers who are struggling to pay high Workers' Comp insurance premiums, it is still troubled. An August 2, 2004 editorial in the L.A. Times noted that an insurance group that gathers statistical data for insurers proposed an actual rate increase for policies going into effect next year. They pointed to a number of problems that persist in this system:

- Promised benefits hikes for injured workers that were put into place before the reform legislation.
- Uncertainty about the State Compensation Insurance Fund, which provides coverage to employers who can't buy insurance from private insurers. Normally writing about 20% of the policies statewide, that has skyrocketed to 50% as dozens of insurers went bankrupt or left the system, leaving the State Fund seriously understaffed and lacking the financial strength to stay so large.
- And the actual new regulations to implement the reforms won't be completed until next year.

Workers Comp will continue to be an issue in the Legislature when it formally reconvenes in January.

Enthusiasm Ran High at Santa Monica Mobile D.O.

I enjoy these opportunities to bring my district office out into the community because I learn what's important to the people I represent who take the time to come out and meet with me. On Saturday, September 18, I appeared with staff at the Coffee Bean and Tea Leaf in Santa Monica on Ocean Park Blvd. I would estimate that probably 100 people attended, and patiently waited while I spoke with each of them in a particularly large turnout.

This was just the most recent of the many "mobile district office" events that I've held over the past four years, and in every corner of my very large district. Here's a partial list of the issues that people talked about at this event:

- Education – Both K-12 and community college
- Speeding and parking – both local city issues
- Driver's licenses for undocumented drivers
- Santa Monica Airport noise and air emissions
- Flouridation of drinking water
- California's role in the Federal assault weapons ban that just expired
- Fuel cell vehicles and electric cars
- Homeowner issues in a mobile home park
- MTBE (a gasoline additive) and impacts on drinking water
- Workers compensation and the injured worker
- Health insurance and health care

And much much more. These mobile district offices continue to be an invaluable place for me to connect with the citizens of the 41st Assembly District.

(More)



Safety for Domestic Violence Victims To Vote and Receive Mail

October is going to be proclaimed in California as "Domestic Violence Awareness Month." This is also an opportunity to highlight the benefits of the *Safe at Home* program, which is designed to help domestic violence victims remain free from their attackers. The program, designed and managed by the Secretary of State's office, is a confidential address and mail-forwarding program that shields the home addresses of domestic violence and stalking victims (and their children) from relentless tormentors. It also removes a victim's name from the voter rolls (which is not confidential information) and protects the victim's right to vote by sending an absentee ballot.

Anyone who can document that they are victims of domestic violence or stalking can contact *Safe at Home*, toll free, at (877) 322-5227. They will also be given an ID number and card with a post office box to use in all business or public transactions.

Sen. Feinstein Seeks Refund of Energy Overcharges



In 2001 and 2002, California was victimized by a series of energy market manipulations that cost us, and ultimately the ratepayers, billions of dollars. On September 9, the Ninth Circuit Court of Appeals ruled that the Federal Energy Regulatory Commission (FERC) was wrong when it concluded that California was not entitled to retroactive refunds.

"For far too long, FERC has abdicated its responsibility to order \$9 billion in refunds to California," the Senator said in her September 9 press release. "This ruling now paves the way for FERC finally to act. It is long overdue." She has sent a letter to Pat Wood, Chairman of the FERC, urging FERC to "take immediate action to issue California the \$9 billion in refunds it deserves." I am very pleased to see Senator Feinstein taking aggressive action at the Federal level, and thank her for her important efforts.

Last Call for California Cultural and Historical Endowment Grant applications

The California Cultural and Historical Endowment (CCHE) is a new state agency established to award competitive grants to applicants who wish to create projects that will share the many stories and narrative events that embrace California's culture and history. These grants are from the 2002 voter-approved Proposition 40 parks and recreation bond measure, and are not state general funds.

Applications must be **postmarked on or before October 1, 2004**. The CCHE Board will meet in late November to review applications. For more information on whether you may qualify to apply for a CCHE grant, call Diane Matsuda, Executive Officer, at (916) 651-8768, or e-mail her at dmatsuda@library.ca.gov.

County Registrars of Voters Want You to Know...

...that they have very helpful websites where you can get information, including voting by mail; to find your neighborhood polling place; to view your actual November ballot, including candidates and ballot measures; and a great deal more information in very user-friendly formats.

L.A. County voters can go to www.lavote.net. Ventura County voters can go to www.ventura.org/election/elecidx.htm. These are both the official websites of the County election departments.

Assemblymember Pavley's Committee Assignments

Appropriations Committee
Arts, Entertainment, Sports, Tourism, and Internet Media Committee
Budget Committee
Education Committee
Transportation Committee
Water, Parks and Wildlife Committee
Select Committee on California Ports
Select Committee on Coastal Protection
Select Committee on the Future of California's Health
Select Committee on National Defense, Technology and Jobs
Select Committee on Sustainability
Select Committee on Title IX
Chair, Select Committee on Air and Water Quality
Chair, Select Committee on Hydrogen and Other Alternative Fuels
Chair, Budget Subcommittee #3 on Resources
Legislative Advisory Committee – Wildlife Conservation Board
Legislative Advisory Committee – California Coastal Conservancy
Santa Monica Mountains Conservancy Board

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Or visit my website at www.assembly.ca.gov

If you know of anyone who you think would like to receive these newsletters, please e-mail their name, mailing address and e-mail address, and I'll be happy to add them to my list.

